

REMARKS

Applicants have amended the above application to place it in full condition for allowance for the reasons indicated below. Applicants have cancelled claims 1-12, 18 and 20 and replaced them with new claims 21-32 rewritten to be clear of any indefiniteness and which define novel and unobvious subject matter over the references either individually or in combination. Applicants appreciate the O.A. indicating that claims 13-17 and 19 have been allowed, and these claims still remain in this application.

The Rejection of Claims 1 to 12, 18 and 20 Under §102 Is Overcome

The O.A. rejected claims 1-12, 18, and 20 under § 102(a) as being anticipated by Reid. Applicants have replaced claims 1-12, 18 and 20 with new claims 21-32 to define the invention more distinctly and patentably over Reid. Applicants respectfully submit that claims 21-32 are patentable over Reid because they define novel subject matter over Reid under § 102, and such subject matter is unobvious under § 103, for reasons which the applicants will now explain.

Applicants' Invention

The present invention is directed to a method and apparatus for dispensing pet treats such as toys, food, or a combination thereof, during a time when the pet owner is away from the pet for a relatively long period of time, such as when the pet owner is at work. As discussed on application pages 7, 9, and 15 of the specification, applicants have recognized that the most effective approach to maintaining an animal's interest for long periods of time, thereby reducing isolation related anxiety or misbehavior, is to sustain an animal's anticipation of a pet treat without disappointing the animal with long periods with no dispensed pet treat. Long periods of anticipation without reward are demoralizing to any animal and therefore are counter to maintaining the interest of an animal. Applicants' invention sustains an animal's interest through the systematic use of pseudo-random dispensing times that are also distributed such that long delays between dispensing times ("losing streaks") are removed.

Reid

Reid teaches a device and method for dispensing cigarettes at a plurality of selected times during a predetermined period comprising: a container for holding a plurality of cigarettes, a time-controlled dispenser for dispensing the plurality of cigarettes, said time-controlled dispenser including a

microprocessor and an input device; said input device inputting the predetermined period into the microprocessor; said microprocessor including a program to automatically calculate a schedule for dispensing the cigarettes. Reid teaches a variation of a regular interval schedule, in which the intervals increase over time in a non-random manner (Col 5 Lines 13-17). Unlike the pseudo-random schedules recited in applicants' new independent claims 21 and 27, Reid's timing schedule suffers from the disadvantage that a smoker will learn the timing pattern and thereby experience periods of time in which the smoker knows that it will not receive a cigarette.

Applicants' Invention Differs Generally From Reid

Applicants' invention differs generally from Reid and is greatly superior for the purpose of reducing isolation related anxiety by sustaining an animal's anticipation. Reid describes a device that holds and dispenses cigarettes to a smoker. The purpose of the device is to break a smoker's addiction by withholding the cigarettes for longer and longer time periods. Applicants' invention is a pet treat dispenser that works to reduce anxiety by sustaining an animal's anticipation through the use of unpredictable dispensing times that are distributed to eliminate long periods of no reward. Reid's device may actually increase anxiety by creating known and ever longer delays before a reward is dispensed.

Applicant's New Claims Are Patentable Over Reid

Applicants submit that all of his new claims are patentable over Reid because:

1. Applicants' main claims recite novel subject matter over the reference.
2. This novel subject matter produces new and unexpected results and is therefore unobvious.

1. Applicants' independent claims 21 and 27 recite novel subject matter over the Reid

Under § 102 Claims 21 and 27 recite novel subject matter over Reid. Reid teaches a timing schedule in which the delays between dispensing times are always increasing in a non-random manner, thereby creating both a lack of anticipation during those periods when an smoker knows that it will not receive a pet treat and the probability of long losing streaks in which a smoker anticipates a pet treat but does not receive one. As such, Reid does not suggest and in fact teaches away from applicants' claims 21 and 27 which specify using

pseudo-random dispensing times to sustain an animal's anticipation. Further, Reid fails to meet or suggest the language of applicants' claims 21 and 27 which state that dispensation times should be sufficiently spaced so that if said predetermined time period were divided into equal intervals, where the number of said equal intervals is equal to said predetermined plurality of dispensing times, a pet treat will be dispensed in a majority of said respective equal intervals. As such, applicants believe that claims 21 and 27 recite novel subject matter over Reid.

2. This novel subject matter produces new and superior results and is therefore unobvious under § 103 Applicants' invention as claimed provides new and superior, unexpected results and is therefore unobvious. Specifically, applicants' dispenser keeps an animal's interest through sustained anticipation without losing that interest to extended periods of no dispensations. Reid does not provide this benefit. Reid's schedule ensures that there are periods of time between each dispensing time that a smoker will know that no cigarette is forthcoming since each delay between cigarettes is always longer than the last delay. Thus, the smoker using Reid's device will lose interest in the device during a delay for at least as long as the last delay. Applicants' dispenser keeps an animals' interest through pseudo-random dispensing times, so the animal never knows that it will not receive a pet treat, and keeps the animal from becoming discouraged by distributing the dispensing times over a predetermined period, thus removing long losing streaks. Although there are many automatic feeding devices, the invention of claim 21 and 27 and its results are entirely unsuggested by the prior art, and such a device (prior to applicants' dispenser, sold under the trademark KongTime since June 2005) has never been implemented. Applicants' invention solves a long-felt but previously unsolved need to distract and entertain animals for extended time periods. As such, applicants believe that claims 21 and 27 produce new and superior results and therefore are unobvious under § 103.

Therefore Applicants respectfully submit that allowance of new independent claims 21 and 27 is proper and they request same.

The dependent claims 22-26 and 28-32 incorporate all of the subject matter of claim 21 and 27 respectively and add additional subject matter and therefore are *a fortiori* patentable over Reid.

The Rejection of Claims 1 to 12, 18 and 20 Under §103 Is Overcome

The O.A. rejected claims 1-12, 18, and 20 under 35 U.S.C 103(a) as being unpatentable over U.S. Patent No. 5,299,529 to Ramirez (Ramirez) in view of U.S. Patent No. 6,273,027 to Watson (Watson). Applicants' have replaced claims 1-12, 18 and 20 with new claims 21-32 to define the invention more distinctly and patentably over Ramirez and Watson. Applicants respectfully submit that claims 21-32 are patentable over Ramirez and Watson because they define novel subject matter over Ramirez and Watson under § 102, and such subject matter is unobvious under § 103, for reasons which the applicants will now explain.

Ramirez

Ramirez teaches a device and method for dispensing pet treats at a plurality of selected times during a predetermined period comprising: a container for holding a plurality of pet treats, a time controlled dispenser for dispensing a plurality of the pet treats, said time controlled dispenser including a microprocessor and an input device, said input device inputting the predetermined period into said microprocessor. Ramirez includes a recording of a human voice that plays at the time pet treats are dispensed. Ramirez is silent on teaching that any particular timing schedule is superior to another.

Watson

Watson teaches a device for dispensing a pet treat to an animal at intervals which may change depending on the animal's behavior.

Applicant's New Claims Are Patentable Over Ramirez and Watson

Applicants submit that all of their new claims are patentable over Ramirez and Watson because:

The novel features produce new and unexpected results and thus are unobvious under § 103

1. It would not be obvious to combine the references since there is no teaching in the references themselves that they be combined.

The Ramirez device is a pet treat dispenser that plays recordings to an animal when the pet treats are dispensed. The Watson device is a pet treat dispenser that measures animal behavior and dispenses pet treats at times dependent on the animal's behavior. Watson makes no express suggestion to combine teachings with Ramirez, and applicant submits that the Ramirez and Watson devices are disparate in purpose and therefore there is no implied suggestion to combine the references.

2. Even if the Watson and Ramirez references were to be combined, applicants' claims still recite novel features over the combination.

The O.A. stated that it would be obvious to modify the teachings of Ramirez with the teachings of Watson at the time of the invention since the modification is merely the automation of a once manual procedure. While applicants agree with the O.A. that it is old and well-known to have dispensing time intervals automatically set by a microprocessor and that any existing manually entered schedule could be automatically generated, the applicants submit that Ramirez is silent on whether any dispensing schedule is superior, and the dispensation schedule as recited in applicants' claims 21 and 27 is entirely unsuggested by Watson. Watson teaches delays between dispensing times that are dependent on an animal's own behavior, making dispensing times inherently predictable by an animal. Watson and Ramirez both fail to meet or suggest the language of applicants' claims 21 and 27 which specify using pseudo-random dispensing times sufficiently spaced so that if said predetermined time period were divided into equal intervals, where the number of said equal intervals is equal to said predetermined plurality of dispensing times, a pet treat will be dispensed in a majority of said respective equal intervals. Thus, applicants have insured that the dispensations are distributed and no extended losing streaks will occur. This feature is lacking in both Ramirez and Watson, and is unsuggested by their combination.

3. The novel features of applicants' invention produce new and unexpected results and thus are unobvious.

The O.A. states that a user of Ramirez' device may enter a random schedule of dispensing times that simply reflect the physiological needs of an animal. While applicants believe that an animal may in fact be capable of predicting a timing schedule based on its own physiological needs, applicants agree that it is possible for a user to manually enter a random schedule into Ramirez' device. However, this ability does not imply that a person with ordinary skill in the art would have been in a position to generate applicants' timing schedule or understand its ramifications.

Applicants stress that random schedules, such as those used in slot machines, are inferior to applicants' invention as described in applicants' claims 21 and 27. Although random schedules create sustained periods of anticipation, they suffer from the disadvantage that it is statistically likely that they will produce extended periods of time in which no reward is given (losing streak). Long periods of anticipation without reward are demoralizing to any animal and therefore are counter to maintaining the interest of an animal.

Applicants' invention creates a schedule for dispensing pet treats at times which are pseudo-random to insure that applicants' timing schedule will sustain an animal's anticipation, while also sufficiently spacing the dispensing times so that if said predetermined time period were divided into equal intervals, where the number of said equal intervals is equal to said predetermined plurality of dispensing times, a pet treat will be dispensed in a majority of said respective equal intervals.

The dispensation schedule as recited in applicants' claims 21 and 27 is a systematic approach to rewarding an animal with pet treats over an extended period that creates superior results in addressing isolation related anxiety and misbehavior in animals as described in applicants' application, paragraphs 32, 38, 62, 63 and 69. Although there are many automatic feeding devices, the invention of claim 21 and 27 and its results are entirely unsuggested by the prior art, and such a device (prior to applicants' dispenser sold under the trademark KongTime since June 2005) has never been implemented. Applicants' invention solves a long-felt need to distract and entertain

animals for extended time periods. As such, applicants believe that claims 21 and 27 produce new and superior results and therefore are unobvious under § 103.


Therefore Applicants respectfully submit that allowance of new independent claims 21 and 27 is proper and they request same.

Dependent claims 22-26 and 28-32 incorporate all of the subject matter of claim 21 and 27 respectively and add additional subject matter and therefore are *a fortiori* patentable over Ramirez and Watson.

The References of Interest

Applicants have reviewed the references of interest, but submits that claims 21-32 define novel and unobvious structure over these references. Applicants appreciate the O.A. indicating that claims 13-17 and 19 have been allowed, and these claims still remain in this application. Consequently, reconsideration and allowance of this application is respectfully urged.

Respectfully submitted,



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